

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2011

ROUGH DRAFT
JOURNAL

THIRTY-SECOND DAY

MARCH 17, 2011

OFFICE OF THE CHIEF CLERK

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THIRTY-SECOND DAY

Thursday, March 17, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:11 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present, with the exception of Representatives Har, Ito and Pine.

On motion by Representative Evans, seconded by Representative Ching and carried, reading of the Journal was dispensed with and the Journals of the Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First, Twenty-Second and Twenty-Third Days were approved, with Representatives Har, Ito and Pine being excused.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 376) was received and announced by the Clerk:

Sen. Com. No. 376, transmitting H.B. No. 1034, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," which passed Third Reading in the Senate on March 16, 2011.

INTRODUCTIONS

The following introductions were made to the Members of the House:

Representative Johanson, on behalf of Representatives Ichiyama and Nishimoto, introduced Miss Seiko K. Chow, SBG President of Aliamanu School who gave today's invocation. Miss Seiko Chow is the daughter of Representative Nishimoto's office manager, Ms. Candace Van Buren.

Representative Mizuno welcomed the many participants in the State Council on Developmental Disabilities 12th Annual Day at the Capitol, along with Ms. Waynette Cabral, Executive Administrator, and the staff of the Council.

Representative Chang, on behalf of the Big Island delegation, introduced the Day at the Capitol participants from Hilo, Kona and Honokaa.

Representative Tokioka, on behalf of the Kauai delegation, welcomed the Day at the Capitol participants and interpreters from Kauai.

Representative Carroll, on behalf of the Maui delegation, welcomed the Day at the Capitol participants from Maui and Molokai.

Representative Yamane welcomed Day at the Capitol participants from Ewa Beach, Honolulu, Makakilo, Pearl City, Kaneohe, Mililani, Waianae and Wahiawa.

Representative Riviere, on behalf of Representative M. Oshiro and himself, introduced 3rd grade students from Trinity Lutheran School of Wahiawa. They were accompanied by their teacher, Mrs. Liz Riviere; and parents and chaperones, Ms. Marcy Beasley, Ms. Christina Treadway, Ms. Bobbie Watanabe, Mr. Seward and Mrs. Lauren Uyeda, Mr. Doug Jones and Ms. Barbara Hubbard.

Representative Riviere also introduced his wife, Mrs. Liz Riviere, Trinity Lutheran teacher; and his children, Jake and Janine Riviere, students at Trinity Lutheran.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATION)

The following resolution (H.R. No. 284) was announced by the Clerk and the following action taken:

H.R. No. 284, entitled: "HOUSE RESOLUTION CONGRATULATING YUUKO ARIKAWA AS THE 2010 MILKEN EDUCATOR AWARD WINNER, DAWN HOMONT AS THE 2010 MILKEN TEACHER OF PROMISE AWARD WINNER, DARREL GALERA AS THE 2010 METLIFE/NASSP HIGH SCHOOL PRINCIPAL OF THE YEAR, JUSTIN MEW AS THE 2010 METLIFE/NASSP MIDDLE SCHOOL PRINCIPAL OF THE YEAR, MICHAEL HARANO AS THE 2010 NAESP HAWAII DISTINGUISHED PRINCIPAL OF THE YEAR, AND KOKO HEAD ELEMENTARY SCHOOL, LIHOLIHO ELEMENTARY SCHOOL, AND WAIALUA ELEMENTARY SCHOOL AS THE 2011 HAWAII BLUE RIBBON SCHOOLS," was offered by Representative Takumi.

Representative Takumi moved that H.R. No. 284 be adopted, seconded by Representative Belatti.

Representative Takumi introduced today's first honoree who was seated on the Floor of the House:

Ms. Yuuko Arikawa of Kaala Elementary School, recipient of the 2010 Milken Educator Award.

Representative Belatti then introduced additional honorees seated on the Floor of the House:

Ms. Dawn Homont of Waianae Intermediate School, recipient of the Milken Educator of Promise Award;

Mr. Darrel Galera, of Moanalua High School, the 2010 MetLife/NASSP High School Principal of the Year;

Mr. Justin Mew of Niu Valley Middle School, the 2010 MetLife/NASSP Middle School Principal of the Year; and

Mr. Michael Harano of Washington Middle School, the 2010 NAESP Distinguished Principal of the Year.

Representative Belatti also recognized the US Department of Education Blue Ribbon Schools for 2011:

Koko Head Elementary School represented by Mr. Calvin Nomiyama on behalf of Principal Loretta Yee;

Liholiho Elementary School represented by Principal Christina Small; and

Waialua Elementary School represented by Ms. Kim Ah Lee Sam on behalf of Principal Scott Moore.

Representative Belatti also recognized the many family and friends seated in the gallery:

Guests of Ms. Yuuko Arikawa:

Mr. Sean Cross;
Children, Tamika, Jacob, Jeremiah and Timora;
Aunt, Ms. Iwalani Sowa;
Friend and colleague, Ms. Angelita Reed, and her daughters Alexandra and Isabella; and
Principal, Mr. Ted Fisher.

Guests of Ms. Dawn Homont:

Sister, Ms. Michelle Garofalo; and niece Ms. Mikala Garofalo.

Guests of Mr. Darrel Galera:

Vice Principals, Ms. Julie Toyama, Ms. Lynda Sadaoka and Ms. Shannon Tamashiro; and
Athletic Director, Mr. Joel Kawachi.

Guests of Mr. Justin Mew:

Wife, Mrs. Bobbi Mew; and son, Mr. Micah Mew;
Brothers, Mr. Daniel Mew, Mr. Damian Mew and Mr. Walton Mew;
Sister-in-law, Ms. Julia Mew;
Nephews, Mr. Logan Mew and Mr. Hunter Mew; and
PCNC, Ms. Joanne Imada.

Guests of Mr. Michael Harano:

Math Team Coach, Mr. Sung Park; and
Team Members, Mr. Ethan Vo, Mr. David Chang, Mr. Jion Kato and
Mr. Raleigh Rano.

Guests of Ms. Christina Small:

PTA President, Mr. Michael Lau;
SCC Chair, Mr. Dennis Iwanaga;
Student SVS Coordinator, Ms. Jodi Yoshimura;
PCNC, Ms. Iris Salazar;
Former SCC Vice Chair, Mr. Scott Taniyama;
Student Council President, Shea Suzumoto;
Mr. Ryan Towata; and
Mr. Tom Holden.

Guests of Ms. Kim Ah Lee Sam:

Husband, Mr. Richard Ah Lee Sam.

Representative Ward also congratulated Mr. Mew and Mr. Nomiyama ad thanked them for being role models for the teachers and students of the Kaiser Complex schools.

The motion was put to vote by the Chair and carried, and H.R. No. 284 was adopted, with Representatives Har, Pine and Say being excused.

At 12:32 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 959) recommending that S.B. No. 1055, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1055, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 960) recommending that S.B. No. 1061, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1061, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 961)

recommending that S.B. No. 1062, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1062, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 962) recommending that S.B. No. 1083, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1083, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 963) recommending that S.B. No. 1084, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1084, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 964) recommending that S.B. No. 1085, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1085, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 965) recommending that S.B. No. 1095, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1095, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, I just wanted to make a comment about these measures that we're passing. The vehicles by which we enter into agreement I think needs to be said that we just want to ask our State to be strong, to be strong in these very hard times. An unprecedented recession. We've never seen this in our history. Complicated by the tragedy, the exasperation of this problem and the tragedy of the Japanese tsunami which undoubtedly will affect our economy.

"I think that it needs to be said that indeed it's time to pull together, to remember that like families, the State of Hawaii is a family. And when hard times come we have to sacrifice. We do have to sacrifice. We have to make sure that for the health of our State's economy that we do the right thing. That everybody understands that we all bring something to the table. But if we give much more to one son or daughter, to the point where one son or daughter suffers and can no longer bring their potential to the table,

then the entire family suffers. So we know that the health of our economy is important. We want to protect all of our people. But remember, like the best recipes in cooking, it's often about balance. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1095, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

Representatives Rhoads and McKelvey, for the Committee on Labor & Public Employment and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 966) recommending that S.B. No. 1076, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and S.B. No. 1076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Pine, Saiki and Say being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 967) recommending that S.B. No. 958, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Pine, Saiki and Say being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 968) recommending that S.B. No. 1291, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1291, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Har, Pine, Saiki and Say being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 969) recommending that S.B. No. 1293, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and S.B. No. 1293, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representatives Har, Pine, Saiki and Say being excused.

ANNOUNCEMENTS

Representative Yamane: "Thank you, Mr. Speaker. I would like to express my wishes for a Happy St. Patrick's Day to everyone. Members, on your desk you will find a green ribbon to add color to your day. And if you turn the card it says, 'Please recycle yourself.' I know that to the dismay of the Chair of Agriculture, it does not mean grow a tree or support medical marijuana.

"Mr. Speaker, there are more than 108,000 individuals, nationwide waiting for organs. In Hawaii, approximately 375 are waiting for a heart, liver, kidney, or pancreas transplants. Sadly there aren't enough donations

to meet this need. Not everyone has the 'luck of the Irish.' Last year, 16 people died in Hawaii while waiting for an organ transplant.

"Each of us carries a gift of life. You can be a registered or an and tissue donor through an online registry, or when you renew your driver's license or the State ID. So Members, as we celebrate St. Patrick's Day, please remember those who are currently on the list, waiting for the ability to continue their enjoyment of St. Patrick's Day. Thank you, Mr. Speaker."

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R. Nos.</u>	<u>Referred to:</u>
120	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance
121	Committee on Consumer Protection & Commerce, then to the Committee on Finance
122	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
123	Committee on Human Services, then to the Committee on Judiciary
124	Committee on Housing, then to the Committee on Finance
125	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
126	Committee on Consumer Protection & Commerce, then to the Committee on Finance
127	Jointly to the Committee on Higher Education and the Committee on Agriculture, then to the Committee on Finance
128	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
129	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
130	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
131	Committee on International Affairs, then to the Committee on Finance
132	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
133	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
134	Committee on Housing, then to the Committee on Judiciary
135	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
136	Committee on Human Services, then to the Committee on Finance
137	Committee on Health, then to the Committee on Consumer Protection & Commerce

138	Committee on Education, then to the Committee on Finance		
139	Committee on Economic Revitalization & Business, then to the Committee on Finance	<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
140	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	138	Committee on Higher Education, then to the Committee on Legislative Management, then to the Committee on Finance
141	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	139	Committee on Consumer Protection & Commerce, then to the Committee on Finance
142	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	140	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
143	Committee on Education, then to the Committee on Finance	141	Committee on Human Services, then to the Committee on Judiciary
144	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	142	Committee on Housing, then to the Committee on Finance
145	Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance	143	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
146	Committee on Education; then to the Committee on Finance	144	Committee on Consumer Protection & Commerce, then to the Committee on Finance
147	Committee on International Affairs	145	Jointly to the Committee on Higher Education and the Committee on Agriculture, then to the Committee on Finance
148	Committee on Judiciary, then to the Committee on Finance	146	Committee on Labor & Public Employment, then to the Committee on Legislative Management, then to the Committee on Finance
149	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	147	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
150	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	148	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
151	Committee on International Affairs	149	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
152	Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	150	Committee on International Affairs, then to the Committee on Finance
153	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance	151	Jointly to the Committee on International Affairs and the Committee on Economic Revitalization & Business
154	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	152	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
155	Committee on Human Services, then to the Committee on Judiciary	153	Committee on Housing, then to the Committee on Judiciary
156	Committee on Energy & Environmental Protection, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance	154	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
157	Committee on Public Safety & Military Affairs, then to the Committee on Finance	155	Committee on Human Services, then to the Committee on Finance
158	Committee on Transportation, then to the Committee on Finance	156	Committee on Judiciary
159	Committee on Transportation, then to the Committee on Finance	157	Committee on Health, then to the Committee on Consumer Protection & Commerce
160	Committee on Transportation, then to the Committee on Finance	158	Committee on Education, then to the Committee on Finance
161	Jointly to the Committee on Education and the Committee on Culture & the Arts, then to the Committee on Finance	159	Committee on Economic Revitalization & Business, then to the Committee on Finance

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| <p>160 Committee on Energy & Environmental Protection, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>161 Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>162 Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance</p> <p>163 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>164 Committee on Education, then to the Committee on Finance</p> <p>165 Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>166 Committee on Legislative Management, then to the Committee on Finance</p> <p>167 Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance</p> <p>168 Committee on Housing, then to the Committee on Legislative Management, then to the Committee on Finance</p> <p>169 Committee on Education, then to the Committee on Finance</p> <p>170 Committee on International Affairs</p> <p>171 Committee on Judiciary, then to the Committee on Finance</p> <p>172 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>173 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>174 Committee on Water, Land, & Ocean Resources, then to the Committee on Finance</p> <p>175 Committee on International Affairs</p> <p>176 Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance</p> <p>177 Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Education, then to the Committee on Finance</p> <p>178 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance</p> <p>179 Committee on Human Services, then to the Committee on Judiciary</p> <p>180 Committee on Hawaiian Affairs, then to the Committee on Education, then to the Committee on Finance</p> <p>181 Committee on Public Safety & Military Affairs, then to the Committee on Health</p> <p>182 Committee on Energy & Environmental Protection, then jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance</p> | <p>183 Committee on Public Safety & Military Affairs, then to the Committee on Finance</p> <p>184 Committee on Transportation, then to the Committee on Finance</p> <p>185 Committee on Transportation, then to the Committee on Finance</p> <p>186 Committee on Transportation, then to the Committee on Finance</p> <p>187 Jointly to the Committee on Education and the Committee on Culture & the Arts, then to the Committee on Finance</p> |
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ADJOURNMENT

At 12:46 o'clock p.m. on motion by Representative Evans, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 18, 2011. (Representatives Har, Pine, Saiki and Say were excused.)